

REMARKS

Claims 23 through 32 are currently pending in the application.

Claims 23, 27 and 31 have been amended

This amendment is in response to the final Office Action of November 4, 2003.

ENTRY OF AMENDMENTS

Applicant solicits entry of this amendment because the amendment introduces no new matter under 35 U.S.C. § 132, raises no new issues for further search and consideration, places the application in condition for allowance, and is timely filed.

Information Disclosure Statement(s)

Applicant notes the filing of an Information Disclosure Statement herein on October 27, 2003 and notes that a copy of the PTO-1449 was not returned with the outstanding Office Action. Applicant respectfully requests that the information cited on the PTO-1449 be made of record herein.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Bol (U.S. Patent 5,269,877) in view of Yeh et al. (U.S. Patent 4,400,866) in further view of Brodie (U.S. Patent 5,063,327)

Claims 23 through 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bol (U.S. Patent 5,269,877) in view of Yeh et al. (U.S. Patent 4,400,866) in further view of Brodie (U.S. Patent 5,063,327). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant respectfully submits that Bol and Yeh cannot be used in a 35 U.S.C. 103 rejection because they are not analogous art and teach away from any combination thereof to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the presently claimed invention. Applicant asserts that "To rely on a reference under 35 U.S.C. 103, it must be analogous prior art." MPEP 2141.01 (a). More specifically, "[i]n order to rely on a reference as

a basis for rejection of an applicant's invention, the reference must either be in the field of the applicant's endeavor, or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *Id.*

Bol teaches or suggests a process which "relates generally to field emission structures" and methods of making them. Uses of the emitter tips taught in Bol are as vacuum microtube components. Col 1, lines 1 through 15. Yeh, on the other hand, teaches the construction of semiconductor devices, and in particular, a "high speed, VLSI self-aligned, Schottky Metal Semiconductor Field Effect Transistor. Col. 1, lines 45 through 50. The two references are decidedly in different fields.

Furthermore, Yeh, is not "reasonably pertinent to the particular problem with which the inventor was concerned." To further clarify, the MPEP continues further: "[a] reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *Id.*

Applicants respectfully submit that Yeh would not logically have commended itself to the inventor trying to invent an improved method of forming an emitter structure. There is a complete lack of relevant similarities between Yeh and the task being addressed. Furthermore, even if the use of oxidation on a substrate is deemed a relevant similarity (i.e., even if the inventor had made the decision to use an oxidation process to form the cone-shaped emitter tip), Yeh would not have logically commended itself because it only teaches or suggests that differential relative doping levels between two layers results in differences in oxide thickness growth rate when the layers are subjected to oxidizers. Furthermore, the oxide layers are not removed in Yeh, but instead remain in place and fulfill an essential function. Col 4, lines 4 through 21. In short, Yeh teaches or suggests a process very different than the removal or shaping of a substrate by oxidation, followed by oxide removal.

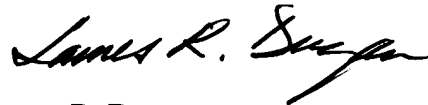
Applicant thus respectfully submits that Bol and Yeh are improperly combined, and as a result, claims that contain limitations attributed to both Bol and Yeh are not taught or suggested by the references as combined in the Office Action and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the presently claimed invention. In particular,

claims which require a surface or substrate comprising semiconductive material or is at least semiconductive, allegedly taught by Yeh, such as independent claim 25, are respectfully deemed allowable. Applicant has thus amended independent claims 23, 27 and 31 to contain such a limitation. Support for the amendment can be found in Figure 1, which, along with the field emitter display of claim 25, also shows a pixel (claim 23) 22. Display panels (claim 27) and cathode conductor systems (claim 31) are clear extensions of the inventive process that are contemplated in the final paragraph of page 9 of the specification. Applicant respectfully submits that claims 23, 25, 27 and 31 are allowable, and 24, 26, 28 through 30 and 32 are allowable as depending from allowable independent claims.

Applicant submits that claims 23 through 32 are clearly allowable over the cited prior art.

Applicant requests the entry of this amendment, the allowance of claims 23 through 32, and the case passed for issue.

Respectfully submitted,



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